

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

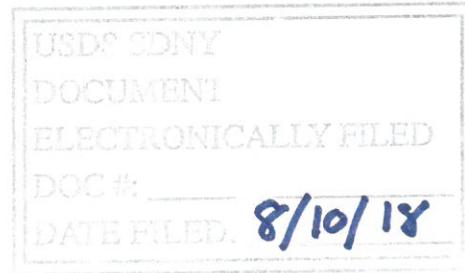
JAMES KACOURIS,

Plaintiff,

-v-

FACEBOOK, INC., MARK E.
ZUCKERBERG, and
DAVID M. WEHNER,

Defendants.



No. 18-cv-6765 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

Plaintiff instituted this securities class action against Facebook, Inc. ("Facebook"), Mark E. Zuckerberg (the Chairman and Chief Executive Officer of Facebook), and David M. Wehner (the Chief Financial Officer of Facebook) in this Court on July 27, 2018. (Doc. No. 1.) The case was assigned to my docket on July 30, 2018. To date, Plaintiffs have not served Defendants with a summons and copy of the complaint in this suit, and Defendants have not entered an appearance in this action.

The Court is now in receipt of a letter, dated August 9, 2018, from two proposed intervenors: (1) the Public Employees Retirement System of Mississippi and (2) Amalgamated Bank, as Trustee for the LV LargeCap 100 Growth Index Fund, LongView Quantitative Large Cap Fund, and LongView Quant LargeCap Equity VEBA Fund (together, "Intervenors"). (Doc. No. 6.) Intervenors assert that they are the court-appointed Lead Plaintiffs "in the consolidated securities class action against Facebook," *In re Facebook, Inc. Sec. Litig.*, No. 5:18-cv-01725-EJD (N.D. Cal.), pending before Judge Edward J. Davila in the Northern District of California. (*Id.*) The Northern District of California suit was instituted on March 20, 2018. (See N.D. Cal. Case

No. 5:18-cv-01725-EJD, Doc. No. 1.) Intervenors assert that the deadline to file motions for appointment as lead plaintiff in that case passed on May 21, 2018, and that this action (along with another action pending in this District before Judge Engelmayer, *Helms v. Facebook, Inc.*, No. 18-cv-6774 (PAE)) involves “the same securities law claims against the exact same Defendants concerning the same types of misrepresentations during overlapping class periods” as the Northern District of California lawsuit. (Doc. No. 6 at 2.) Essentially, Intervenors assert, this suit is an improper attempt to end-run the Lead Plaintiff appointment process in the Northern District of California case. As a result, Intervenors request that the Court schedule a pre-motion conference regarding their requests to (1) formally intervene in this suit, (2) transfer this case to the Northern District of California to be consolidated with the pending securities suit there, and (3) “remedy the improper” Private Securities Litigation Reform Act “notice counsel for the plaintiffs in [this] case published.” (*Id.* at 1.)

IT IS HEREBY ORDERED that, pursuant to the Court’s Individual Rule 2.A, Plaintiff shall submit a response to Intervenors’ letter, not to exceed three pages, no later than Tuesday, August 14, 2018. IT IS FURTHER ORDERED that Intervenors shall serve a copy of this Order and their August 9, 2018 letter on Defendants no later than Tuesday, August 14, 2018, and shall file a certificate of service on the Court’s electronic docket indicating that service was effected. IT IS FURTHER ORDERED that Defendants shall respond to Intervenors’ letter, and to Plaintiff’s response to that letter, no later than Friday, August 17, 2018. No further submissions will be accepted.

IT IS FURTHER ORDERED that counsel for all parties – Plaintiff, Defendants, and Intervenors – shall appear for a pre-motion conference regarding Intervenors’ planned motion on

Wednesday, August 29, 2018 at 10:00 a.m. in Courtroom 905 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York.

SO ORDERED.

Dated: August 10, 2018
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE